REMARKS

The Office action of July 7, 2008, has been carefully considered.

Claims 1-11 have been rejected under 35 USC 112, second paragraph, on a number of grounds.

Claims 1-11 have now been entirely rewritten as new Claims 12-17 in proper form for U.S. practice. Regarding the objection to Claim 8, new Claim 15 recites that the diverting conformation is extended from the proximal edge *toward* the aperture, which is the correct interpretation of "in the direction of the aperture."

Regarding Claim 9, the measurement recited in claim 16 is defined as being a measurement in the flow direction which, in other words, is the length of the deflecting wall.

Regarding the rejection to Claim 4, this recitation is now incorporated into new Claim 12, and in Claim 12, each diverting conformation is defined as having an edge proximal to a respective aperture and an edge distal to the respective aperture.

Withdrawal of this rejection is requested.

Claims 1, 2, and 9-11 have been rejected under 35 USC 102(b) as anticipated by Martin.

New Claim 12 incorporates recitations from original Claims 1, 3, 4, 5, 6 and 10, and given the scope of new claim 12, Applicants submit that this claim does not fall within the rejection. Withdrawal of this rejection is requested.

Claims 1-5 and 7-11 have been rejected under 35 USC 103(a) over Bakay et al in view of Karmazin. As claim 12 incorporates the recitations of claim 6, Applicants submit that the rejection of claim 6 over Bakay et al in view of Karmazin in view of Torii must now be considered.

Bakay et al discloses, in Figure 3, a heat exchanger in which rows of apertures are staggered with respect to each

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other and turbulence-forming structures are cut out of the fin plates and bent upward at a 90° angle with respect to the planes of the plates. A plurality of the turbulence inducing structures are provided between apertures in a column.

Karmazin discloses a radiator in which a diverting conformation has a curved profile in a transverse direction. Nevertheless, the combination of Bakay et al and Karmazin does not arrive at the claimed invention since the conformations do not increase in width and inclination from the distal edge to the proximal edge in a direction perpendicular to the plane of extension, and the conformations shown do not have a semi-elliptical contour. Moreover, the conformations do not present a protuberance on one surface and a recess on the opposite surface, as do the conformations of the invention.

Torii is alleged to teach conformations having a semi-elliptical contour. However, the purpose of Torii is to reduce the peeling wake area at the rear of a heat transfer body, and the conformations are not provided upstream and downstream in the flow direction, but rather to the sides of each aperture. Moreover, the conformations of Torii are of an entirely different shape from the conformations of both Bakay et al and Karmazin, and one of ordinary skill in the art would not, based on the teaching of Torii, have reason to replace the conformations of Bakay et al and Karmazin with an upstream and a downstream conformation of elliptical contour, specifically arranged co-linearly with the column of apertures.

Withdrawal of these rejections is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

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